

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHAD E. ST. CLAIR,)	
)	
Plaintiff,)	Civil Action No. 2:21-cv-1836
)	
vs.)	
)	District Judge Robert J. Colville
JUSTIN ROKAVEC, et al.,)	Magistrate Judge Kezia O. L. Taylor
)	
Defendants.)	

ORDER OF COURT

Currently pending before the Court is a Report and Recommendation (ECF No. 87) filed by the Honorable Kezia O. L. Taylor in the above-captioned matter. Judge Taylor's June 17, 2024 Report and Recommendation recommends that the Court grant the Motion to Dismiss (ECF No. 77) filed by Defendant Justin Rokavec, and that the Court decline to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367(c)(3) over any remaining state law claims. Objections to the Report and Recommendation were due by July 5, 2024. No objections were filed, and the Court considers this matter to be ripe for disposition.

Objections to a magistrate judge's disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge's report and recommendation to which objections are made. *Id.* Following de novo review, "[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3).

The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon reasoned consideration of Judge Taylor’s Report and Recommendation and the relevant docket entries, it is hereby ORDERED as follows:

The Court agrees with the thorough and well-reasoned analysis set forth in Judge Taylor’s Report and Recommendation, and the Court accepts and adopts Judge Taylor’s Report and Recommendation in its entirety as the opinion of the Court with respect to Defendant’s Motion to Dismiss. The Motion to Dismiss is granted as to any claim for unreasonable search and seizure, false arrest, or false imprisonment, and any such claims are dismissed with prejudice as time-barred. Defendant’s Motion to Dismiss is granted as to Plaintiff’s malicious prosecution and abuse of process claims, and such claims are dismissed with prejudice for failure to state a claim. Because Plaintiff has failed to state a constitutionally cognizable claim, Defendant Rokavec, to the extent he has been sued in his individual capacity, is entitled to qualified immunity. Claims against Defendant Rokavec in his official capacity are barred by sovereign immunity. Any attempt to amend the Fourth Amended Complaint as to Plaintiff’s claims under federal law would be futile, and these claims are thus dismissed with prejudice.

The Court has dismissed all claims over which it has original jurisdiction, and it declines, pursuant to 28 U.S.C. § 1367(c)(3), to exercise supplemental jurisdiction over any remaining state law claims. The Clerk of Court shall mark this case as closed. While the Court will enter a

judgment order in this case, it notes that it does so without prejudice to Plaintiff pursuing any state law claims the Court has declined to exercise jurisdiction over in the appropriate forum.

BY THE COURT:

/s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: July 11, 2024

cc/ecf:

All counsel of record

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